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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Ronald Lourie
Appln. No.: 09/884,868
Filed: June 19, 2001
For: INTERNET CASH CARD
Confirmation No.: 1903
Group Art Unit: 3625
Examiner: James H. Zurita
Attorney: Daniel A. Rosenberg
Additional Fees: Charge to Deposit Account No. 023732

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Madam:

This paper is being filed in response to the Examiner's Answer mailed on June 8, 2007.

CERTIFICATE OF MAILING

I hereby certify that this document and the documents identified above, are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By Daniel A. Rosenberg
Dated 8-8-07

(1) Status of the Claims

Applicant relies on the status of the claims set forth in the Appeal Brief and Examiner's Answer.

(2) Grounds of Rejection to be Reviewed on Appeal

Applicant relies on the grounds of rejection to be reviewed on appeal set forth the Appeal Brief and the Examiner's Answer.

(3) Argument

Applicant respectfully disagrees that the application does not include a definition of the term “anonymous[-ly]” as it applies to the step of issuing a card. As stated previously, the application includes the following passage:

The transaction [i.e., issuing the card] would involve only the exchange of the card and the payment, with no communication of personal information. In other words, the transaction is completely anonymous.

(Page 9, lines 19-22).

It is simply not correct to state that Applicant has not provided an explicit definition of the term anonymous. The foregoing passage defines the term twice. First, it states that there is no transfer or communication of personal information. The transaction takes place in a manner that does not allow for identification of the purchaser, i.e., anonymously. Second, the passage makes clear that the concept of withholding all personal information, is in fact what is meant by the term “anonymous.”

Thus, the Examiner’s interpretation of the term is not consistent with the definition of the term as set forth in the application.

Furthermore, even under the Examiner’s interpretation, the Examiner’s citation to passages of Risafi et al. simply does not disclose or suggest, but in fact teaches away from, an anonymous transaction.

First, Risafi et al. discusses pre-paid gift cards (Col. 1, line 54-Col. 2 line, 8), which while they can be purchased with cash, cannot be used in the manner of a credit card as required by the claims of the present invention. They do not utilize the verification step, issuance of an approval code, or the transfer of funds from an issuing card authority. This is because gift cards

can only be redeemed at the place of purchase, and they have been prepaid. Thus, there is no need or point to carrying out the foregoing steps of the claimed invention.

Second, Risafi et al. discusses dispensing their card from dispensing machines, like an ATM. (Col. 6, lines 38-58). Except, that Risafi et al. specifically teaches the use of a PIN with the card. Thus, the issue as it pertains to anonymity is not what dispenses the card, but whether the transaction is anonymous. Using a PIN number is not anonymous. PIN stands for “Personal Identification Number”, which is the exact opposite anonymous. If the purchaser has provided a Personal Identification Number, they have conveyed personal information and have not transacted anonymously. This is clearly outside the scope of the claimed invention.

Risafi et al. actually takes the further step to ensure that their concept of issuance of a card from a card dispensing machine is not combined with the concept of issuing a pre-paid gift card for cash. Risafi et al. teaches against this combination by pointing out that the problem with the prior art gift cards is the lack of personal information associated with the card. Thus, a person of ordinary skill in the art is directed by Risafi et al. to not make the combination claimed in the present application. Risafi et al. discourages such a person from combining the anonymous features of pre-paid gift card with the convenience of a credit card. Risafi et al. teaches that the risk that the card could be used without the purchaser’s approval is too great. (Col. 2, lines 26-39). In essence, Risafi et al. says do not do what the claimed invention does, because it is too risky.

The present invention, by contrast, claims that taking the risk that the card might be used without the purchaser’s approval is a risk worth taking in view of the risk of the loss of personal information that accompanies the use of financial instruments that carry personal information. There is in fact no suggestion or teaching in the prior art that recognizes this trade off. In fact,

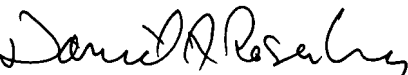
the prior art teaches away from the very concept and therefore does not disclose the present invention.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 02-3732.

Respectfully submitted,

Dated: 8-8-07

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